

REMARKS

Applicant thanks the Examiner for her careful consideration of the specification and claim informalities and the indication of allowable subject matter. In view of the foregoing amendments and the following remarks, reconsideration and allowance are requested.

As required by the Examiner, applicant has elected one of the two claim groups identified in the office action, namely, Group II (claims 19-21).

Applicant acknowledges that the Examiner was unable to locate copies of certain printed publications and references as indicated in the office action. Applicant is in the process of preparing a comprehensive Information Disclosure Statement (IDS) that will include copies of the unlocatable references plus others. This IDS will be submitted in the next few weeks.

Claims 19-28 are now pending with claims 19, 22 and 24 being independent. Claims 19-21 have been amended, claims 11-18 have been cancelled and claims 22-28 are newly presented for consideration. Applicant notes with appreciation the indication that claims 19-22 recite allowable subject matter. The newly presented claims – claims 22-28 – are consonant with allowable claims 19-22 and thus are allowable at least for the same reasons.

The drawings stand objected-to under 37 CFR 1.83(a) for the reasons stated at page 3 of the office action. As required by the Examiner, the drawings have been amended to include new Figure 12A to illustrate the features of claims 19-21. No new matter has been added.

Support for new Figure 12A is found throughout the specification as filed including, but not limited to, page ²²~~20~~, lines ¹¹⁻¹²~~16-20~~, which provides that “[A] consignment node user may have established a credit or deposit account for the participant from past sales or the transfer of funds . . .” This step is noted in Figure 12A in the upper left quadrant by the flow of funds from the financial institution associated with A to an appropriate receiving financial institution associated with the system. This step is properly described in Figure 12A with the caveat, “if necessary” as a positive account balances for A may have be established from past sales activities of A with the system. [See page 22, line 12.]

The transaction processor (812) and accounts (824) database of Figure 12A are labeled consistent with Figure 12. The transaction processor (812) providing “a means to process transaction from participants by clearing a transaction and transferring legal title to a good.

[Page 34, lines 11-13] And the "accounts 824 database to track payments due to posting terminal 700 users." [Page 34, lines 15-17]

The step noted in Figure 12A in the lower right quadrant by the flow of funds from the financial institution associated with the system to a financial institution associated with B is provided in Figure 12 as well. "The clear account 825 module may print checks due to posting terminal 700 users . . . or electronic fund transfer techniques may be used for clearing account balances 825 for posting terminal users. [Page 34, lines 17-19]

Interest on positive balances is depicted in the lower center portion of Figure 12A as disclosed in the specification at page 35, lines 9-19:

It is understood that participant account may be tracked at the market maker computer 800. Moreover, it is understood that account surpluses may be acquired by participants speculating in collectable goods may be invested in highly liquid and safe assets such as U.S. treasury bills to provide an[d] interesting bearing accounting for positive cash balances. This provides and incentive, or at least a hedge against inflation, for a participant to keep funds within the collectible market place and to use these funds to speculate in the collectible market. By using funds available at the market maker computer 800 participants can reduce the transaction costs associated with credit cards and other transaction clearing means and optimize the participants' return on price movements in the buying and selling of collectable goods.

The disclosure stands objected-to for the reasons noted at page 4 of the office action. In response, the specification has been amended as suggested by the Examiner and in several other instances to correct minor informalities and to conform the detailed description and the figures as presented. No new matter has been added.

Claims 11-21 stand rejected under 35 USC 112, first paragraph, for the reasons noted at pages 5-6. This rejection is traversed. Claims 11-18 have been cancelled, thereby rendering this rejection moot as to those claims. Support for claims 19-21 is provided in specification and figures as filed at least in the locations indicated in the attached Claim Support Chart. New claims 22-28 are consonant with claims 19-21 and thus are allowable at least the same reasons as claims 19-21.

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Claims 11-18 stand rejected under 35 USC 102(b) for the reasons set forth at page 7 of the office action. This rejection and its underlying rationale are traversed. Nevertheless, in order to expedite prosecution, claims 11-18 have been cancelled thereby rendering this rejection moot.

In view of the foregoing, applicant submits that the application is in condition for allowance.

Applicant asks that all claims be allowed. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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